

CONTROLLING OFFICER'S REPLY**FHB(FE)184****(Question Serial No. 2041)**Head: (49) Food and Environmental Hygiene DepartmentSubhead (No. & title): (-) Not SpecifiedProgramme: (-) Not SpecifiedControlling Officer: Director of Food and Environmental Hygiene (Miss Vivian LAU)Director of Bureau: Secretary for Food and HealthQuestion:

Please advise on the number of verbal warnings, written warnings and default notices issued by the Food and Environmental Hygiene Department to cleansing service contractors, as well as the number of cases of deduction of monthly payments of service charge and demerit points given, in each of the past 5 years. Among the above cases, how many are related to violation of the Occupational Safety and Health Ordinance, Standard Employment Contract and Employment Ordinance, as well as defaults in severance payment and non-payment of wages? Apart from the above-mentioned penalties, what other penalties will be imposed by the Department?

Asked by: Hon LEUNG Yiu-chung (Member Question No. (LegCo use): 7)Reply:

The numbers of verbal warnings, written warnings and default notices issued by the Food and Environmental Hygiene Department (the Department) to public cleansing service contractors, as well as deduction of monthly payments of service charge are provided in the following table –

	2013-14	2014-15	2015-16	2016-17	2017-18 (as at 28 February 2018)
No. of verbal warnings issued	1 213	2 422	2 116	2 547	1 928
No. of written warnings issued	270	260	118	852	106
No. of default notices issued	1 053	1 316	1 228	763	979
Amount of service charge payments deducted (\$ million)	2.778	2.608	2.718	3.898	2.089

Note: There is no demerit point registered against public cleansing service contractors in the past 5 years.

Apart from the above-mentioned penalties, there are no other penalties imposed on public cleansing service contractors by the Department.

The number of breaches of the standard employment contract by public cleansing service contractors in the past 5 years is as follows –

	2013-14	2014-15	2015-16	2016-17	2017-18 (as at 28 February 2018)
No. of cases	0	1	0	1	0

There are no non-compliance cases related to the Occupational Safety and Health Ordinance (Cap. 509), the Employment Ordinance (Cap. 57), severance payment and non-payment of wages.

Under the demerit point system, any breach of contractual obligations in connection with wage level; daily maximum working hours; the signing of the standard employment contract with non-skilled workers; and the payment of wages by means of autopay to them will lead to the issuance of a default notice. Each default notice attracts one demerit point. For any contractor who has, over a rolling period of 36 months, accumulated 3 demerit points obtained on or after 1 May 2006 from one or more government departments, its tender offer for service contracts that rely heavily on the deployment of non-skilled workers will not be considered for the next 5 years. A contractor will also be debarred from tendering for such service contracts for a period of 5 years if he has any conviction under the relevant sections of the Employment Ordinance (Cap. 57) and the Employees' Compensation Ordinance (Cap. 282), which individually carry maximum fines corresponding to Level 5 or higher within the meaning of Schedule 8 to the Criminal Procedure Ordinance (Cap. 221).

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